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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09       UNITED STATES OF AMERICA,                                      )  
10    ) CASE NO. MJ 13-416  
11       Plaintiff,    )  
12    )  
13       v.    )  
14       KULWINDER SAROYA,    )  
15    )  
16       Defendant.    )  
17    )

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18       Offense charged:    Attempted Distribution of Cocaine Base; Distribution of Cocaine Base

19       Date of Detention Hearing:    August 30, 2013.

20       The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
21       based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
22       that no condition or combination of conditions which defendant can meet will reasonably  
23       assure the appearance of defendant as required and the safety of other persons and the  
24       community.

25                   FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

26       1.       Defendant was arrested on August 27, 2013 when search and seizure warrants

01 were served at the Travelers Choice Motel and Great Bear Motel in Tukwila, in which he has an  
02 ownership interest. Defendant is a naturalized citizen of the U.S. He has some family ties to  
03 India and has traveled to India approximately 5 to 6 times since entering the United States at age  
04 eighteen. His criminal record includes charges for obstructing a public officer and making a  
05 false statement to a public servant, both of which were dismissed after entering into a stipulated  
06 order of continuance and performing community service or unsupervised probation.  
07 Defendant was convicted of assault in the 4th degree and obstructing a law enforcement officer  
08 in 2010. The AUSA proffers an allegation that defendant attempted to communicate with  
09 another co-defendant after arrest on the instant charges, urging him to not talk to law  
10 enforcement.

11       2.       The government alleges that defendant was not truthful to pretrial services about  
12 substance abuse and is a user of methamphetamine. They allege that methamphetamine was  
13 observed in defendant's vehicle by a law enforcement officer who was present at the motel  
14 premises investigating the discovery of a dead body.

15       3.       Cash in the amount of \$131,000 was seized from defendant's residence at the  
16 time of arrest and his residence has been identified as a forfeitable asset in the pending criminal  
17 case. A number of other bank accounts were also seized and are subject to a forfeiture action.

18       4.       Defendant poses a risk of nonappearance due to ties to India and recent travel, as  
19 well as access to large amounts of cash. He poses a risk of danger due to alleged substance  
20 abuse and criminal history.

21       5.       There does not appear to be any condition or combination of conditions that will  
22 reasonably assure the defendant's appearance at future Court hearings while addressing the

01 danger to other persons or the community.

02 It is therefore ORDERED:

- 03 1. Defendant shall be detained pending trial and committed to the custody of the Attorney  
04 General for confinement in a correction facility separate, to the extent practicable, from  
05 persons awaiting or serving sentences or being held in custody pending appeal;
- 06 2. Defendant shall be afforded reasonable opportunity for private consultation with  
07 counsel;
- 08 3. On order of the United States or on request of an attorney for the Government, the  
09 person in charge of the corrections facility in which defendant is confined shall deliver  
10 the defendant to a United States Marshal for the purpose of an appearance in connection  
11 with a court proceeding; and
- 12 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel  
13 for the defendant, to the United States Marshal, and to the United State Pretrial Services  
14 Officer.

15 DATED this 30th day of August, 2013.

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18 Mary Alice Theiler  
Chief United States Magistrate Judge  
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